

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CHANIE FRIEDMAN,  
on behalf of herself and all others similarly situated,

Plaintiff,

-against-

CREDIT BUREAU COLLECTION SERVICES, INC.

Defendant  
-----X

**CLASS ACTION COMPLAINT**

FILED  
U.S. DISTRICT COURT  
2008 FEB 28 4:28  
S.D. OF N.Y.

**08 CIV. 2010**

**BRIANT**

Plaintiff, by and through her undersigned attorney, alleges upon knowledge as to herself and her own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this action on her own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff Chanie Friedman (hereinafter "Friedman") is a resident of the State of New York, Rockland County. On or about January 8, 2008, plaintiff received an initial debt collection notice from defendant CBCS.

5. Defendant Credit Bureau Collection Services, Inc. is an Ohio Corporation engaged in the business of collecting defaulted debt. Defendant regularly attempts to collect debt. Its Registered Agent is the Corporation Service Company, Inc., 80 State Street, Albany, NY 12207-2543.

CLASS ACTION ALLEGATIONS

6. Plaintiff brings this action as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of herself and all consumers who have received debt collection notices and/or letters concerning which are in violation of the FDCPA, as of the date of plaintiff's complaint, and their successors in interest (the "Class"). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of CBCS.

7. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

8. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, hundreds of persons have received debt collection notices from the defendant which violate various provisions of the FDCPA.

9. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e(2)(A), 1692e(10), 1692g(a)(4) and 1692g(a)(5).

b. Whether plaintiff and the Class have been injured by the defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

10. Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

11. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

12. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

13. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendant's conduct will proceed without remedy it will continue to reap and retain the proceeds of its ill-gotten gains.

14. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

15. On or about January 8, 2008, defendant did send to the plaintiff an initial collection letter. Copy of said letter is annexed hereto as **Exhibit A**.
16. The January 8, 2008 collection letter referenced a past due account in the amount of \$116.87.
17. On February 5, 2008, plaintiff notified CBCS that the consumer disputed the assertion that she owed Resurgent Capital Services \$116.87 and demanded both the name of the original creditor and the address of the original creditor so that the consumer could identify and correlate the account at issue. **Exhibit B**.
18. Defendant CBCS responded by letter dated February 19, 2008 that they have investigated the consumer's dispute and returned the account to the original creditor. **Exhibit C**.
19. Defendant employs false representations when attempting to collect debt and is patently unable to verify the debt or ascertain basic information, such as the name and address of the original creditor.
20. Defendant fails to identify the original creditor and deceptively states that it returned the collection account to the unnamed and unidentified original creditor.
21. Defendant falsely states that it investigated the consumer dispute.
22. As a result of defendant's abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
(Violations of the FDCPA)

23. Each of the above allegations is incorporated herein.
24. Defendant's debt collection attempts violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(10), 1692g, 1692g(a)(4) and 1692g(a)(5), by falsely and deceptively attempting to collect debt it cannot evidence nor identify the name and address of the original creditor, upon timely request.
25. As a result of defendant's violations of the FDCPA, plaintiff has been damaged and is entitled to statutory damages, costs and attorney's fees.

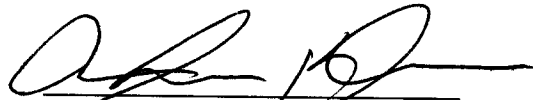
**WHEREFORE**, plaintiff respectfully requests that the Court enter judgment as follows:

- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Awarding plaintiff statutory damages;
- c) Awarding class members the maximum statutory damages.
- d) Awarding plaintiff costs of this action, including reasonable attorneys' fees and expenses; and
- e) Awarding plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: February 28, 2008  
Uniondale, New York

A handwritten signature in dark ink, appearing to read 'Abraham Kleinman', is written over a horizontal line.

Abraham Kleinman (AK-6300)  
KLEINMAN LLC  
626 RexCorp Plaza  
Uniondale, New York 11556-0626  
Telephone (516) 522-2621  
Facsimile (888) 522-1692





PO BOX 69  
COLUMBUS OH 43216



#BWNDVGT \*\*\*\*AUTO\*\*ALL FOR AADC 105  
#030528369264# 534 0036048  
CHANIE FRIEDMAN  
85 HIGHVIEW RD  
SUFFERN NY 10901-4017



January 8, 2008

**\*\*\*SETTLEMENT OFFER\*\*\***

**Client Name: RESURGENT CAPITAL SERVICES**  
**Client Account #: 61115429**

**Current Balance: \$116.87**  
**Settlement Offer: \$58.44**

Your past due account has been placed with this office for payment. We have been authorized to offer you a settlement on this account if you agree to pay 50% of the current balance as indicated above. To take advantage of this offer, please send payment to our office. In the event you are unable to make the payment as suggested in this letter, please call our office.

Unless you dispute the validity of the debt or any portion of it, within 30 days after you receive this notice, we will assume this debt is valid. If you notify us in writing within 30 days after you receive this notice, we will obtain and mail to you proof of the debt or a copy of a judgment. Also, upon your written request within 30 days after you receive this notice, we will give you the original creditor's name and address if different from the current creditor. This communication from a debt collector is an attempt to collect a debt and any information obtained will be used for that purpose.

Account Representative  
1-888-413-0093

**SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

**RETURN THIS PORTION WITH YOUR PAYMENT**

Make Payment To:

CHANIE FRIEDMAN  
Account #: 03-52836926  
Balance: \$116.87  
Settlement Offer: \$58.44  
RESURGENT CAPITAL SERVICES

534

CBCS  
PO BOX 163250  
COLUMBUS OH 43216-3250

IF PAYING BY VISA OR MASTERCARD, FILL OUT BELOW		
<input type="checkbox"/> VISA	<input type="checkbox"/> MASTERCARD	
CARD NUMBER	EXP. DATE	AMOUNT
SIGNATURE	PHONE # (with area code)	

0305283692600011687



**CHANIE FRIEDMAN  
85 HIGHVIEW ROAD  
SUFFERN, NEW YORK 10901-4017**

**February 5, 2008**

**VIA FACSIMILE TO  
(866) 291-7413  
CBCS  
250 East Town Street  
Columbus, Ohio 43215**

**Your Client Account Number: 61115429  
Your Client Name: Resurgent Capital Services  
Disputed Balance: \$116.87**

**Dear CBCS:**

**Please be advised that I dispute the assertion that I owe \$116.87 to Resurgent Capital Services.**

**Please provide verification that Resurgent Capital Services purchased Account Number 03-52836926.**

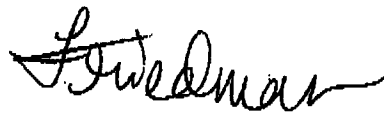
**Please send me verification of this disputed debt.**

**Please send me the name of the original creditor.**

**Please send me the address of the original creditor.**

**Please send me the corporate name of CBCS.**

**Thank You,**

**Chanie Friedman**  
  
**Chanie Friedman**

**EXHIBIT C**

PO BOX 69  
COLUMBUS OH 43216



#BWNDVGT \*\*\*\*\*AUTO\*\*MIXED AADC 430  
#030528369264# 49 0007307  
CHANIE FRIEDMAN  
85 HIGHVIEW RD  
SUFFERN NY 10901-4017



February 19, 2008

**Client Name: RESURGENT CAPITAL SERVICES**  
**Client Account #: 61115429**

We have investigated your dispute and have taken the following actions:

- stopped collecting and closed your collection account(s),
- returned the collection account(s) to the original creditor, and
- if we have reported your account(s) to the credit repositories, we will request that the account(s) be deleted from your credit report.

This communication is from a debt collector.

Account Representative  
1-888-413-0093

SEE REVERSE SIDE FOR IMPORTANT INFORMATION